

1 an owner has check writing authority, spending authority, so  
2 on and so forth, whereas a general manager deals with  
3 station operations, non-administrative operations?

4 A That is correct.

5 Q Do you perform a similar function for WVOS in  
6 terms of a general manager?

7 A Again I am somewhat confused. I thought that I --  
8 for example, tomorrow I will go back to WVOS and will make  
9 out the payroll. I'll sign the checks and pay my employees.  
10 They are my employees. I am the owner of the corporation.

11 The paychecks for the employees of Monticello  
12 Mountaintop come from Wes Weis, and they are mailed up to me  
13 or Carol and distributed.

14 I think there is a difference between what is  
15 broadly described as general manager and what is described  
16 as an ownership situation. It comes down to financial  
17 responsibility.

18 Q Other than the financial responsibility for WVOS  
19 which you do not have for WJUX --

20 A That's correct.

21 Q -- in terms of general manager of the station,  
22 which I think you described as answering the phone, the  
23 mail, dealing with inquiries, dealing with Mr. Weis, faxes,  
24 letters, other than the fact that you would not necessarily  
25 fax or do letters with Mr. Weis with respect to the

1 operation of WVOS --

2 A Right.

3 Q -- some of the other functions are essentially the  
4 same?

5 A Yes. Sure.

6 Q Are you located at the Liberty Road facility?

7 A Do you mean is my office there? Yes. Yes.

8 Q And are you there at that facility during normal  
9 business hours?

10 A No. I'm there at times, but my duties for WVOS  
11 and for WJUX often involve representation in the community.

12 I'm the past president of the Chamber of Commerce.  
13 I'm on the Tourism Advisory Board. I was former treasurer  
14 of the Sullivan County Industrial Development Agency. I  
15 serve on the local Emergency Planning Committee representing  
16 both WJUX and WVOS. I've been a director of United Way.

17 I'm involved in the community and involved  
18 representing both WVOS and WJUX. People are aware that I  
19 have a management role with both radio stations. If I'm at  
20 a meeting of the Chamber of Commerce, I'm obviously not at  
21 the studio, or if I'm out selling. That's another function  
22 which I do for WVOS, calling on clients.

23 Q Do you do that for WJUX also?

24 A I have not. I did at one point make some  
25 presentations, but I am not currently making presentations

1 for WJUX.

2 Q If you would attend, for example, the Chamber of  
3 Commerce, you are a member of the Chamber of Commerce?

4 A Right.

5 Q Are you a member of the Chamber of Commerce, Mr.  
6 Blabey, or is WJUX a member of the Chamber of Commerce, or  
7 is WVOX a member of the Chamber of Commerce?

8 A Both. WVOX and WJUX have separate memberships in  
9 the Chamber of Commerce.

10 Q They have separate memberships, and you --

11 A Represent both of them.

12 Q -- represent both of them? And in places other  
13 than the Chamber?

14 A The local Emergency Planning Committee, yes.

15 Q And that is Mr. Blabey or WVOX or WJUX?

16 A I'm appointed by the county legislature as Mr.  
17 Blabey as the media representative. The legislature knows  
18 that I am the manager of WVOX and WVOX FM and WJUX.

19 Q Is there any organization for which you represent  
20 WJUX exclusively?

21 A No.

22 Q Is there any organization for which you represent  
23 WVOX exclusively?

24 A The answer is no. No. The answer is no.  
25 There are organizations for which I do not

1 will then incorporate that into programming for public  
2 affairs, news or let's say non-entertainment programming.

3 A Yes.

4 Q What kind of format does WVOX have?

5 A The music format is country, but --

6 Q AM and FM?

7 A It is simulcast. The term that they used to use  
8 in the business to describe this would be full service in  
9 the sense that we were information intensive, we do  
10 obituaries, lost and found cats and dogs, birthdays and  
11 anniversaries.

12 Q Very important stuff in a small community?

13 A Well, if you are around a community as long as  
14 WOX, yes. It becomes a part of the community life.

15 We cover news events in the community -- boards of  
16 supervisors, school boards, town board meetings, village  
17 board meetings. Much of that takes place at night, and I  
18 often go out in the evenings. Some of that takes place on  
19 weekends, and I am generally there on Saturdays. Saturday  
20 mornings I pick up the mail and go through and see if any  
21 checks came in and deal with inquiries, commercials.

22 It is the equivalent of a weekly community  
23 newspaper, and we try to reach everybody that we can with  
24 the information that affects them.

25 Q Does WJUX do this type of programming?

1           A     We produce some of the programs which WJUX,  
2     through the network, broadcasts. We did a program that was  
3     called People Make a Difference which focused on individuals  
4     in the community.

5           Q     Was that a series or --

6           A     It was a series.

7           Q     Okay.

8           A     It lasted about a year. There are 5,000 in  
9     Liberty and 7,000 in Monticello, so we are talking about a  
10    small market.

11           The program was produced. It was used on WVOS,  
12    and I arranged with Wes to have it be used on WJUX, which  
13    made the fellow who did it very happy because he is an older  
14    gentleman, and he is a WJUX listener.

15           We also do an Open Mike program, which --

16           Q     On which station?

17           A     On WVOS. I make that available every week to  
18    WJUX.

19           Q     On a tape basis?

20           A     On a tape basis, yes.

21           Q     So that when it is broadcast on WJUX, they are not  
22    really calling in?

23           A     We announce in the program that listeners on WJUX  
24    are hearing this by delayed broadcast and that they cannot  
25    obviously call the number

1           That is done by my news director, and it involves  
2     some community leader or some community issue every week. I  
3     arrange to send that down to be broadcast by the network on  
4     WJUX.

5           Q     Does WJUX, and I am going to frame this question  
6     inelegantly. It will not be the first. Does WJUX pay for  
7     those programs?

8           A     No.

9           Q     Sometime after you came on board with this  
10    October 1, 1994, agreement whereby you would be paid \$100  
11    weekly to be a consultant, you would be there during normal  
12    business hours, and nothing in the agreement precludes you  
13    from working at any other station --

14          A     Right.

15          Q     Are there any other stations that you work for?

16          A     No.

17          Q     There would have to be a limit of five of them.  
18    How many are there in --

19          A     The county has a 70,000 population. We have six  
20    commercial stations and another one coming on the air and  
21    two non-commercial stations, so there is one station for  
22    every about 8,000 people thanks to our friends in  
23    Washington.

24          Q     That would be us. I thought I saw a letter here,  
25    and just give me one second.

1           This consultancy agreement signed on October 1,  
2   1994, to be a consultant/general manager, did that also have  
3   anything to do with ad sales?

4           A     No. In the winter or the first few months or  
5   couple months they were on, Wes called me and asked if I  
6   would be interested in selling ad time. I was. I thought  
7   that there might be some synergy between our sales at WVOS,  
8   which is, you know, country, and their format, which was a  
9   different audience segment, and that it might have some  
10  appeal.

11           I had a particular advertiser in mind, the  
12  Community General Hospital. I talked to them about an  
13  advertising package, which would include, and we went to the  
14  trouble -- not trouble, but we drafted up a rate card.

15           That is at the time, too, when I had a freelance  
16  salesman, Stan Silverstein, who was interested in the  
17  possibility of representing Monticello Mountaintop, as well  
18  as VOS.

19           Yes, there was ad sales involved.

20           Q     Did Mr. Silverstein work at both?

21           A     He worked -- well, Silverstein worked at the  
22  Catskill Shopper, a newspaper, and then later he worked for  
23  me as a freelance advertising representative, freelance in  
24  the sense that he was paid on a commission only basis.

25           He was looking to improve his income and was a

1 WJUX listener, liked the format. I talked with him about  
2 representing both stations, representing WJUX and WVOS, as  
3 well as a print client that he had. Wes said okay, go  
4 ahead.

5 I can't remember when Stan told me that he changed  
6 his mind. I don't actually know whether he -- I can't  
7 remember now whether he actually made some presentations and  
8 found either resistance, or I don't think he ever -- I can't  
9 say.

10 There was a period of time there where he was  
11 seriously talking about representing JUX. Whether he  
12 actually went out on the road and made some presentations or  
13 not, he did not sell anything. That part I know. He did  
14 not sell anything.

15 Q He did not sell anything for JUX or VOS?

16 A He sold some stuff for me, yes, but he didn't sell  
17 anything for JUX.

18 Q He had a reservation?

19 A Well, his reservations were that --

20 MS. SCHMELTZER: What do you mean by reservation?

21 THE WITNESS: His reservations -- his doubts --  
22 were that the market at that point -- the other station had  
23 just gone on the air and had no ratings. He was meeting  
24 market resistance, so I think he felt that he couldn't make  
25 any money. His reservations were that it was a difficult

1 sell.

2 BY MR. ARONOWITZ:

3 Q Why, because he was selling JUX separately, or the  
4 combination of JUX and VOS was too much for advertisers?

5 A I don't know. All I know is that -- I mean,  
6 basically I would have to ask Stan.

7 Q But he never did sell JUX ads?

8 A He never sold any time. Whether he made any  
9 presentations or representations, I kind of think he did,  
10 but I'm not sure of that.

11 Q Do you know if he received any commissions?

12 A No.

13 Q In February of 1995, one of the documents that you  
14 gave to us or that Ms. Schmeltzer gave to us this morning or  
15 this afternoon or whatever day this is at this point, and  
16 let me show you this. This almost looks to be an amendment  
17 or a supplement to your previous agreement with Mr. Weis.

18 MR. RILEY: Is that a question?

19 BY MR. ARONOWITZ:

20 Q Does this appears to be a further supplement?

21 MR. RILEY: Why do you not ask him what it is?

22 BY MR. ARONOWITZ:

23 Q Is this a further supplement of the previous  
24 agreement, the agreement dated October 1, 1994, that we were  
25 discussing previous? Is this a supplement to that

1           A     The FCC inspector asked to see the studio, asked  
2     to see the transmitter.

3           Q     Were you present?

4           A     Yes.

5           Q     Okay.

6           A     I took him out to the transmitter, unlocked the  
7     door and the gate, walked around. I believe he looked at  
8     the public file and asked a number of questions about the  
9     operation.

10          Q     Let me ask you about that. Did you go into the,  
11     and I will say room --

12          A     Yes.

13          Q     -- that comprised WJUX' main studio?

14          A     Yes.

15          Q     And was there equipment there?

16          A     Yes.

17          Q     Did the inspector ask about that equipment?

18          A     Yes.

19          Q     And presumably you answered all of his questions?

20          A     Yes.

21          Q     Okay. The equipment was there. Did that include  
22     remote control equipment for the transmitter?

23          A     Yes, it did.

24          Q     And was that equipment operational at that time?

25          A     Yes, it was.

1           Q     It was. Did the FCC inspector ask you whether it  
2 was operational?

3           A     The FCC inspector asked me, my recollection is,  
4 did they have a remote unit. I told him -- I misunderstood  
5 the question, and I told him no.

6                     The first radio station I ever worked at in 1957  
7 had a RUST remote control unit with a phone dial and a bunch  
8 of meters, and you dialed up and there were relays that went  
9 click-click-click-click-click. I'm sure you remember the  
10 old RUST units.

11                    We did not have one and don't have one. I don't  
12 have one at WVOX. When he said, my recollection is, do you  
13 have a remote unit, it was the mental picture of one of  
14 those dials and meters.

15                    In retrospect, that was a wrong answer because the  
16 remote unit is the telephone, and the remote unit from my  
17 own station is the telephone. You punch up, and the remote  
18 unit for WJUX is the telephone. There was a telephone in  
19 the room.

20                    All you had to do to control the transmitter  
21 functions is dial up the transmitter and punch in the proper  
22 codes, and the transmitter will give you the -- I am not a  
23 technical person. I have no understanding of these matters,  
24 but I subsequently heard that I gave -- in good faith gave  
25 erroneous information to the FCC inspector.

1 MR. ARONOWITZ: Understood. Understood.

2 THE WITNESS: I am aware and was aware that the  
3 transmitter can be controlled by a telephone and is  
4 controlled by a telephone because that is the system that we  
5 use with our own transmitter at WVOS. I know how it works.  
6 I don't do it, but I know in principle what happens.

7 BY MR. ARONOWITZ:

8 Q And you knew that this setup existed for WJUX?

9 A Yes.

10 Q Fine. Now I am clear.

11 A Okay.

12 Q Were there interruptions in WJUX' broadcasting  
13 operations from 1994 to -- I will not fix a date. Were  
14 there --

15 MR. RILEY: I do not have an objection, but when  
16 you say broadcasting operations, that could include a host  
17 of things like hiring and firing of people, delivering  
18 payroll checks and so on. Do you mean signal output?

19 MR. ARONOWITZ: Signal output.

20 BY MR. ARONOWITZ:

21 Q Were there interruptions in the signal output of  
22 WJUX after it began broadcasting?

23 A We have had power failures. I can't tell you  
24 offhand how many, but on average we have three or four power  
25 interruptions a year, usually in the course of ice storms or

1     thunderstorms when the lines go down. That puts me off the  
2     air and puts all of my tenants at the tower off the air.

3             WJUX uniquely made arrangements to install -- Wes  
4     brought up a generator that he had down at his tower company  
5     and installed that at my transmitter site to power his own  
6     transmitter so that if I have an interruption at the  
7     transmitter site, uniquely his station stays on the air. My  
8     own station goes off the air.

9             We have had times when the studio has been  
10    interrupted also in power failures.

11            Q     When you say the studio --

12            A     The studio. Right. The studio of WJUX and the  
13    studio of WVOS, the old Route 17, Liberty, location.

14            Q     These are power failures in ice storms and those  
15    type of things?

16            A     Right.

17            Q     Was there ever a situation where there was an  
18    interruption in the output of WJUX uniquely or individually?  
19    Might there have been an occasion where the network feed  
20    coming into Monticello would have been interrupted?

21            A     I'm sure there could have been. I do not recall  
22    any time when the data circuit was down. I have no  
23    recollection of any time when the data circuit was down.

24            I do have recollections of power failures either  
25    affecting the studio or the transmitter site, which would

1 and didn't pay them. That's how I know. The Ford dealer,  
2 he wasn't much better.

3 I don't know who they have and don't have. Every  
4 once in awhile I'll run into somebody who says that the  
5 network salesperson was there to call on them, but it's not  
6 a major factor.

7 Q You said you have never sold any time for Juke Box  
8 Network. The commission arrangement that you have --

9 A No.

10 Q -- has never kicked in.

11 A I haven't sold time for the Juke Box Network.

12 Q You what now?

13 A I never sold time for Juke Box Network.

14 Q That is what I said. You have never sold time for  
15 the Juke Box Network.

16 A And I have no right to sell time for the Juke Box  
17 Network. I have no sales proposition from the Juke Box  
18 Network.

19 Q Take a look at the material your counsel gave us.  
20 Here is a February 13, 1995, letter from you to Wes Weis.

21 A Okay. Wes Weis is WJUX, not the Juke Box Network.

22 MR. RILEY: Did you say from Mr. Blabey to Wes  
23 Weis? I think you did. That is a reversal.

24 THE WITNESS: Either way, that is WJUX and not  
25 Juke Box Network.

1 MR. HELMICK: I see.

2 THE WITNESS: I have no business relation, no  
3 sales relation, no monetary relation with Juke Box Network,  
4 only with WJUX.

5 MR. HELMICK: All right.

6 BY MR. HELMICK:

7 Q And to that extent, you have never sold any time  
8 for WJUX?

9 A I have never sold any time successfully for WJUX,  
10 yes.

11 Q Indeed, you probably would have no incentive to  
12 sell time for WJUX.

13 A Well, 18 percent commission plus two percent.  
14 That is an incentive.

15 Q Well, to the extent that they advertise on WJUX,  
16 they do not advertise on WVOS.

17 A To the contrary. When Wes and I talked about the  
18 possibility of selling radio time, I thought that there  
19 would be some synergies between WJUX and WVOS.

20 The audiences, the complexion of the audiences,  
21 are different. The demographics are different. I thought  
22 it might even be an advantage to WVOS to be able to sell  
23 time in concert with WJUX and, therefore, offer an  
24 advertiser a broader demographic than my competition, which  
25 is not WJUX, but is WSUL and the other stations from out of

1 the market.

2 I thought, and I still do, that the time may well  
3 come when it will be to my advantage at WVOS to be able to  
4 offer a combination package, including WVOS and WJUX. I  
5 can't agree with your conclusion. It's just not correct.

6 Q The material also contained a 30 second commercial  
7 announcement guide for what you identify were rates --

8 A Yes.

9 Q -- for advertising on Juke Box Radio separate and  
10 apart from --

11 A WJUX.

12 Q For advertising on WJUX separate and apart from  
13 Juke Box Radio rates.

14 A I think at the time --

15 MS. SCHMELTZER: This has already been asked and  
16 answered. Mr. Aronowitz went into this thoroughly.

17 THE WITNESS: Incidentally, I think at the time --

18 MR. HELMICK: There is another question coming.

19 THE WITNESS: Okay. It was WXTM at the time the  
20 rate card was prepared.

21 BY MR. HELMICK:

22 Q Is it your understanding, sir, that a translator  
23 station can originate a 30 second commercial spot?

24 A Yes.

25 Q Do you have that of your own knowledge or based

1 comes in each week to do the EANS test. I'm not sure of  
2 that, but I believe that is -- he does log that. I believe  
3 that he does, but you might have to ask him precisely what  
4 readings he takes.

5 Q You were also asked about --

6 A He is paid, incidentally, one hour per week. It  
7 doesn't take an hour to do an EANS test, so I presume he  
8 does other functions.

9 Q You were also asked about programming that is  
10 aired on WJUX. You mentioned the network programming, and  
11 you mentioned the EANS messages. Have there been, since  
12 WJUX has been in operation, also some WVOS programming that  
13 runs over WJUX?

14 A Yes. I think I mentioned earlier -- maybe you  
15 were out of the room -- that we did the program People Make  
16 a Difference, which was on WVOS and WJUX. We currently do  
17 the Open Mike program on WVOS and WJUX.

18 I presume in the future when I have VOS programs  
19 that seem to fit in with JUX' needs that we will make them  
20 available to WJUX. It's exposure for WVOS, as well as  
21 broadening the base if we have a community leader or  
22 somebody who has a community issue to discuss. We can give  
23 him or her a broader based audience.

24 Q And how are those programs broadcast over WJUX?

25 A We tape them at WVOS, and we send them down to the

1 Dumont studio to originate.

2 When the new studio is completed, which is being  
3 worked on as we speak -- probably not as we speak. They  
4 have gone home, but the contractors are in. Those programs  
5 will originate directly from the new studio. I have,  
6 subject to Wes' approval, hired an announcer who will  
7 actually do the programs from the new studio.

8 Q You were also asked some questions about the WJUX  
9 phone line. Do you recall when that phone line was  
10 installed?

11 A No.

12 MR. ARONOWITZ: I think he answered that.

13 BY MS. SCHMELTZER:

14 Q I believe you said the WJUX phone line is the  
15 phone in Carol's office?

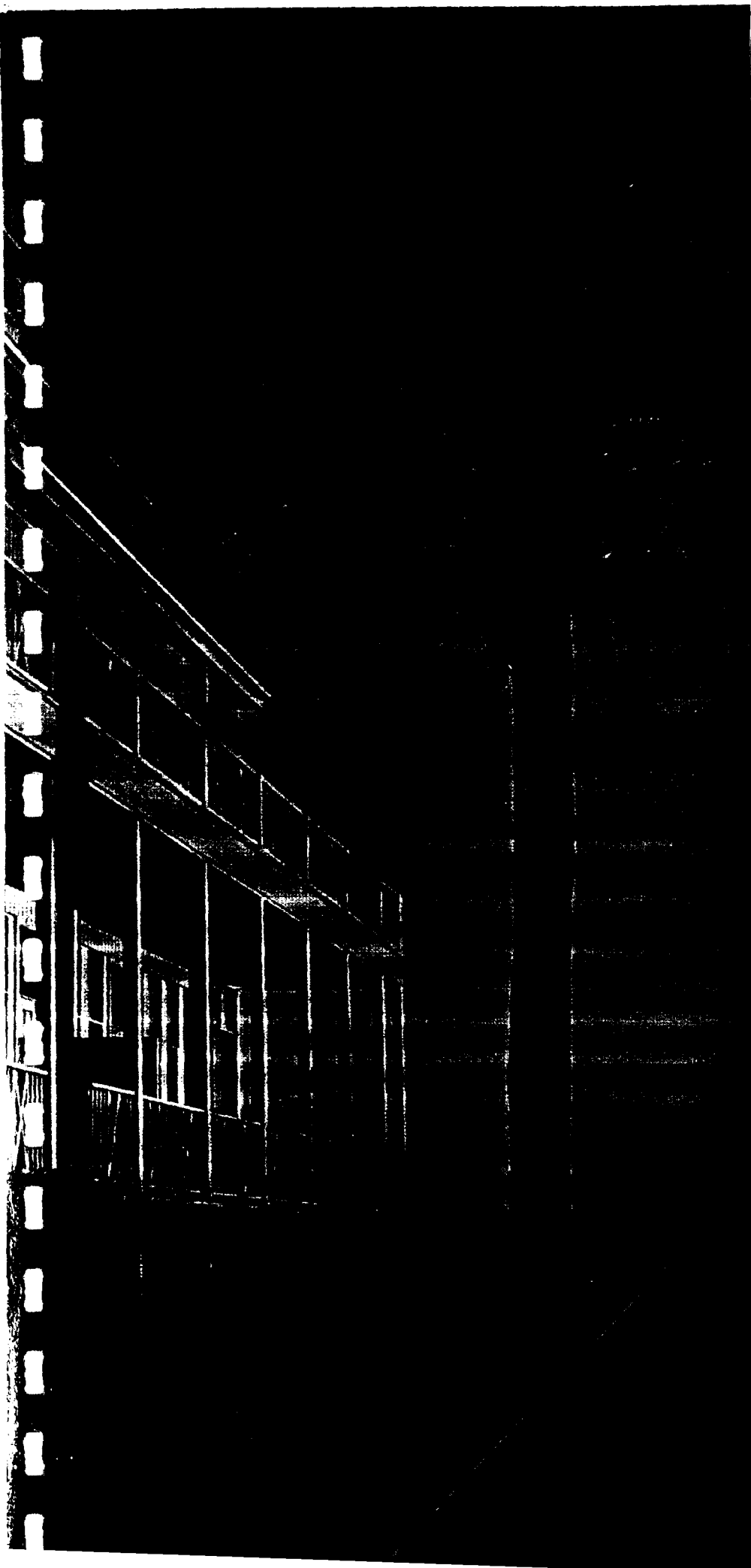
16 A There is a phone in Carol's office right to the  
17 left of her desk which is paid for by WJUX. I don't get the  
18 bills. They go directly to Old Tappan, New Jersey, to Wes  
19 Weis.

20 That phone I believe was listed previously to  
21 WXTM. It is now listed to Juke Box Radio at WVOS. That is  
22 the listing in the phone books. That rings and is answered  
23 by either Carol or me on Carol's desk.

24 Q Did the phone number change at some point in time?

25 A No, I don't think there's been any change in the





# 50

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<b>Texas</b>	(Austin, Brownsville, Kerrville, San Antonio)	<b>212</b>
<b>Utah</b>	(St. George)	<b>228</b>
<b>Virginia</b>	(Charlottesville, Hampton)	<b>232</b>
<b>Washington</b>	(Olympia, Sequim)	<b>244</b>
<b>Wisconsin</b>	(Door County)	<b>248</b>

## **Fast Facts**

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